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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of

Monte, Woodrow C.

Appln. No.: 09/747,078

Filed: 12/21/2000

Atty. Docket No.: 32166.00002 MAR 15 2002

Group Art Unit: 1617

TECH CENTER 1600/2900

Examiner: Jiang, Shaojia

For: ADDING HEAT-SENSITIVE BIOLOGICALLY ACTIVE MATERIAL TO FOOD OR  
COSMETIC COMPOSITIONS

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action mailed January 29, 2002, please consider the following  
remarks:

**REMARKS**

03/21/2002 GANTHONY 00000003 193878 09747078  
Sale Ref: 00000003 DAW: 1193878 09747078  
01 FC:216 200.00 CH

In response to the Office Action, the Examiner infers throughout that Applicant previously argued that the Groups identified by the Examiner were not "separate and distinct" inventions. To the contrary, Applicant respectfully submits that its previous remarks in the Response filed December 6, 2001, were directed to the Examiner's failure to establish a proper basis for restriction under 37 C.F.R. § 1.141 and the Rules established by the Commissioner of Patents (MPEP 800), as opposed to any admission, argument or inference, that its inventions were not separate and distinct.